

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SHARON FLOWERS, Individually
and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

MGTI, LLC a/k/a MO'S
STEAKHOUSE, NARF HOU, LLC
a/k/a MO'S A PLACE FOR
STEAKS, and JOHN A. VASSALLO,

Defendants.

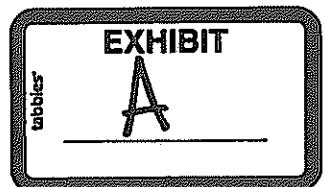
C.A. NO. 4:11-cv-01235

JURY TRIAL DEMANDED

AFFIDAVIT OF MORGAN GOEN

I, Morgan Goen, declare:

1. I am over the age of eighteen (18) years, am of sound mind, and otherwise qualified to make this affidavit. I have personal knowledge of each and every fact contained in this affidavit, and all such matters are true and correct. If sworn as a witness, I will testify competently to all of the facts contained herein.
2. I am a former employee of Narf Hou, LLC a/k/a Mo's A Place for Steaks and John A. Vassallo (collectively referred to as "Defendants"). Defendants operate high end restaurants in Houston, Texas; Milwaukee, Wisconsin; and Indianapolis, Indiana.
3. Defendants employed me as a waitress from February of 2011 to May of 2011. The restaurant was open from Monday through Saturday, 4:00 p.m. to 1:00 a.m. or 2:00 a.m. Although my schedule sometimes varied, I generally worked three to four nights per week from 4:00 p.m. to 1:00 a.m. or 2:00 a.m.; sometimes I would stay after closing until 3:00 a.m.



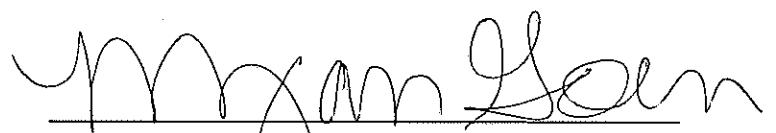
4. During my employment, I became familiar with the restaurant's pay and scheduling practices as they apply to the wait staff, including waiters, expo, and bartenders.
5. Although I was not waiting tables when I arrived early, I was not paid for any of my pre-shift or post-shift work, including cleaning glasses and utensils, and folding napkins. Although I turned in my tips at the end of my shifts, and worked pre-shift and post-shift, my checks were always in the amount of \$0.00. Thinking I could earn extra money for working seven (7) hours, I even worked three (3) to four (4) parties for Defendant John Vallasso, but he never paid me for any of them. He never paid me for pre-shift and post-shift work at these parties either. I was not the only employee that worked and did not get paid for these parties. Additionally, I was compelled to attend staff and other meetings on Saturdays, but I was not paid for attending.
6. Defendants also made deductions from my wages. For example, I was required to pay for "expo" (the employee that states whether the food is ready), even when an expo was not in attendance at work and the busboys. Further, I was charged for inaccurate food orders under the theory that Defendants should not have to pay for my "negligence". I also had to pay for my uniforms, vests, apron, and pens. They charged me for more than the cost of my uniforms. Defendants also deducted servers' pay for glass breakage and walked tabs (when the patrons or customers would leave without paying for their bill).
7. I worked approximately forty-five (45) hours or more per week.
8. At no point during my employment with Defendants was I paid overtime at a rate of one and one-half times my regular rate for all hours I have worked. I was not actually paid for pre-shift and post-shift work or \$2.13 per hour.
9. Based on my experience working for Defendants between February and May of 2011, it is my firm belief that the above-described pay practices are used for all employees working as waitstaff. Such individuals may also be interested in joining a lawsuit against Defendants in order to recover unpaid wages and unpaid overtime wages.
10. The following employees worked as a part of the wait staff for Defendants and had the same or similar duties as me:
 - a. Kellie (last name unknown)
 - b. Rhina (last name unknown)

c. Stacey (last name unknown)

d. Amanda (last name unknown)

11. Like me, I believe that the individuals listed above are or were not being paid overtime at a rate of one and one-half times their regular rate for hours worked over forty, for pre-shift and post-shift work, and their normal hourly rate as a waitstaff. As such, they may be interested in joining lawsuit to recover unpaid wages and unpaid overtime wages since they were paid in the same manner as I was paid and performed the same duties.

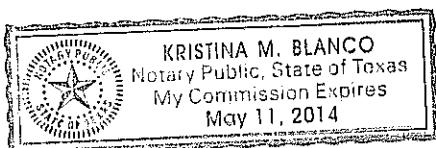
I declare under penalty of perjury that the foregoing is true and correct.



Morgan Goen
Affiant

State of Texas §
 §
County of Harris §

SWORN to and SUBSCRIBED before me this 19th day of November
in the year 2011.



Kristina M. Blanco

Notary Public
State of Texas